

THE EMERGENCY FOOD ASSISTANCE PROGRAM

POLICY AND PROCEDURES MANUAL

ELIGIBLE RECIPIENT AGENCIES AND DISTRIBUTION PROCEDURES

A. Food Banks

In accordance with federal Food Distribution Program Regulations (7 CFR; Parts 250 and 251), food banks may enter into agreements with the Family Support Division (i.e. State Agency) and may participate in TEFAP subject to the following guidelines:

1. The food bank shall assume all responsibility and accountability for TEFAP foods from the time they are received until they are distributed for household consumption or utilized in meals at soup kitchens and other congregate feeding organizations.
2. Food banks may receive TEFAP foods by:
 - (a) direct truckload shipments in accordance with procedures in Section III of this Manual;
 - (b) transfer from other food banks upon approval by the State Agency (i.e. Family Support Division); or
 - (c) re-donation from other state agencies or other federal food programs.
3. Food banks shall not transfer TEFAP foods to any other USDA food distribution program without the prior authorization of the State Agency.
4. The food bank shall enter into written TEFAP agreements (FD-6) with eligible recipient agencies (food pantries and congregate meal sites). The food bank retains responsibility for fulfillment of all terms and conditions of the State Agency/Food Bank Agreement when it enters into agreements with eligible recipient agencies (i.e. distribution sites; see definition in Appendix A).
5. Food banks will distribute TEFAP foods without charge to food pantries, soup kitchens, homeless shelters, domestic violence shelters and Kids Cafes (first tier agencies) within their geographic service area.

When TEFAP food surpluses exist or a food item is not conducive for household use, these foods may (with the prior written approval of the State Agency) be distributed to second tier agencies within their geographic service area (refer to Appendix A for definitions of first tier agencies and second tier agencies).

6. Food banks will deliver TEFAP products to participating agencies located outside the food bank's county location on a monthly basis.
7. In no case may the inventory level of each USDA-donated food item in storage exceed a six month supply, unless sufficient justification for additional inventory has been submitted to, and approved by the State Agency.
8. USDA Foods Allocations
 - (a) The food bank shall allocate TEFAP foods to each county using a formula provided by the State Agency. The formula is based 88% on USDA's 60/40 (poverty/unemployment) formula plus a 12% base for each of the six service areas.
 - (b) The food bank shall allocate TEFAP foods to each first tier agency in accordance with the following:
 - If there is no pantry in the county, the allocation goes to surrounding counties.
 - If there is more than one agency per county:

Pantries Only:

Prorate allocation by percentage of persons or households served by each pantry.

Pantry(ies) & Congregate Meal Site(s):

- (1) Prorate allocation based on the number of persons served per month by each agency, or
 - (2) Offer USDA foods to congregate meal sites first (satisfying their need for a 30 day period), and then allocate the balance of the county's fair share to food pantries based on the percentage of persons or households served by each pantry.
- Refused products should be reallocated during month of distribution, if possible, as follows:
 - (1) First, to other agencies within the same county.
 - (2) Second, to needy agencies in other counties as the food bank deems appropriate/necessary to alleviate situations of emergency or distress, recent economic downturns, etc.

If (1) and (2) above are not achieved during the month of distribution, the products shall remain in inventory for the next month's allocations.

- (c) If the food bank prefers an alternate to these methods, the food bank's allocation proposal (including the specific method and data sources to be used) shall be submitted to the State Agency for approval.
- 9. Food banks shall distribute TEFAP foods in whole case amounts.
- 10. Food banks may repackage USDA-donated foods only with the prior written approval of the State Agency. Requests to repackage USDA products must be submitted in writing to the State Agency and include the following information: type of food, who will do the repackaging, where the repackaging will be done, the new pack size, and assurance that all applicable State and local health licenses/permits are in place.
- 11. The food bank shall have a distribution system which assures access to TEFAP for each county in its service area.

(a) Maximizing Site Availability/Accessibility

The food bank shall maintain a sufficient number of sites to ensure that emergency and supplemental food is available to all low-income eligible households and individuals within the area to be served. The food bank shall enter into agreements with sites that maintain regular and consistent hours of operations. If a site is open less than one day per week, the food bank is encouraged to continually seek to increase the number of days of operation and/or recruit another distribution site to assure optimal accessibility to clients.

(b) Selection/Location of Sites

The food bank shall consider the following when selecting distribution sites:

- Proximity of other distribution sites offering similar services.
- Adequacy of the distribution site's storage and distribution facility.
- Days/hours of operation.
- Whether the organization has the ability to comply with federal and State operating/participation standards.
- Ability of the distribution site to provide food from non-USDA sources.
- Ability to ensure TEFAP foods are made available to all eligible households.
- Ability to maintain accurate records for the amount of TEFAP foods received.
- Ability to maintain required records for the number of households served with TEFAP foods.

(c) Access to Nutritionally Balanced Food Packages

The food bank shall encourage food pantries to integrate both TEFAP foods and non-USDA foods into the food package provided to households to the maximum extent possible.

(d) Minimizing Potential for Duplication of Services

The food bank shall, through careful selection of site locations, minimize the potential for duplication of program services. The food bank will collaborate with its contracted sites to implement measures and strategies to minimize duplication of services. These strategies may include the establishment of exclusive, non-overlapping service areas, site consolidations, limiting the number of TEFAP sites or coordination of services within geographical service areas.

(e) The establishment of a new TEFAP food pantry or congregate site in a county requires the prior written approval of the State Agency.

12. Eligible Recipient Agency Listings

The food bank shall maintain master lists of all food pantries, soup kitchens (i.e. all first tier congregate meal organizations) and second tier congregate meal organizations under TEFAP agreement. The lists shall include the name, address, contact person and phone number for each distribution site. In addition, the food pantry listing shall include the days/hours of TEFAP operation. A copy of each list (including the number of households participating at food pantries or meals served by first tier congregate meal organizations) shall be submitted to the State Agency in January and July of each year.

The State Agency is to be notified in writing within 5 working days of any suspensions and/or cancellations in TEFAP distribution sites. The notification shall include the reason for the closure and/or cancellation.

13. Eligible Recipient Agency Oversight/Training

The food bank shall be responsible for program oversight of contracted distribution sites. This shall be achieved in part through monitoring of distribution site activities to ensure compliance with all applicable federal and State rules, regulations and policies, including ongoing training of key distribution site staff.

Note: The above does not relieve the State Agency from the federal monitoring requirement in 7 CFR; Part 251.

14. Irregularities

The food bank shall maintain procedures for handling, investigating and resolving complaints. A copy of all complaints involving the violation of State and federal law shall be immediately forwarded to the State Agency. The food bank and its distribution sites agree to correct any irregularities that are disclosed.

15. Hold and Recall Procedures

The USDA foods hold and recall process is used when a food safety issue is raised about a USDA donated product. If a food is placed on hold or is recalled, the USDA Food and Nutrition Service, State Agency, food bank(s) and (when necessary) distribution site(s) will work together to expeditiously resolve the problem.

- (a) Food banks are required to assign one staff member to be their Food Safety Coordinator and one to serve as Alternate Food Safety Coordinator; providing their names, titles, e-mail addresses, phone and fax numbers to the State Agency. The Food Safety Coordinator or Alternate will act as a liaison between the food bank and State Agency.
- (b) The above data must be maintained current on a perpetual basis.
- (c) The State Agency shall be promptly notified of any changes.

B. Distribution Sites

To be eligible for participation in TEFAP, distribution sites shall be federally tax-exempt, private non-profit or governmental agencies, legally authorized to operate in the State of Missouri, have a TEFAP Agreement (FD-6) with a food bank and have an established operation involving the distribution of food to predominantly needy persons on a regular basis as a primary part of its normal activities.

- 1. Food pantries shall distribute food to low-income and unemployed households, including food from sources other than USDA, to relieve situations of emergency and distress.
- 2. The primary (i.e. first tier) congregate feeding facilities eligible to receive TEFAP products are soup kitchens, homeless shelters, domestic violence shelters and Kids Cafes. These agencies shall serve prepared nutritious meals, including food from sources other than USDA, to relieve situations of emergency or distress.

3. The secondary (i.e. second tier) congregate feeding organizations eligible to receive USDA foods are those which do not relieve situations of emergency or distress; however, do serve meals predominately to needy persons. Second tier agencies may receive only those TEFAP foods (1) in surplus of first tier agency needs and (2) specified by the State Agency as available to second tier agencies.

4. Hold and Recall Procedures

- (a) All TEFAP distribution sites (i.e. food pantries and congregate meal sites) are required to assign one person to serve as their Food Safety Coordinator and one to serve as Alternate Food Safety Coordinator; providing their names, titles, e-mail addresses, phone and fax numbers to the food bank.

The Food Safety Coordinator or Alternate will act as a liaison between the TEFAP distribution site and food bank.

- (b) The above data must be maintained current on a perpetual basis.
 - (c) The food bank shall be promptly advised of any changes.

5. Public Notification

- (a) Distribution sites shall maintain a public outreach system that encourages participation and informs all potential participants, including minorities, of the availability of USDA foods and hours of operation throughout their service area.
 - (b) Distribution sites shall publicize their regularly scheduled days and hours of operation. The posting of a sign at the physical location of a food pantry to identify it as such is essential.
 - (c) Food pantries shall display information for clients to access food in the event of emergencies outside regularly scheduled hours of operation.
 - (d) The distribution of posters, pamphlets, newsletters throughout the geographic service area and public service announcements (PSAs) by local radio and television stations are recommended forms of public outreach. Word of mouth shall not be used as the sole or primary method of conducting public outreach.
 - (e) Faith-based or Religious Organizations participating in TEFAP services must post and make visible The Emergency Food Assistance Program (TEFAP) – Written Notice of Beneficiary Rights (FD-50) to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site.

- (f) The following nondiscrimination statement is to be included on all program materials including publications, outreach materials, handouts, leaflets, brochures and any other materials that describe the USDA program benefits.

“In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

*(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;*

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This Institution is an equal opportunity provider”.

The full statement must be used in its entirety. The usage requirements can be found in FNS Instruction 113-1.

The use of the **short statement**, “This Institution is an equal opportunity provider”, is an **exception** and not the rule; it must only be used in limited circumstances and only on small pamphlets where it is impracticable to print the entire statement.

6. Tax-Exempt Status

Private organizations must:

- (a) be currently operating another federal program requiring tax-exempt status under the Internal Revenue Code (IRC), or
- (b) possess documentation from the Internal Revenue Service (IRS) recognizing tax-exempt status under the IRC, or
- (c) if not in possession of such documentation, be automatically tax exempt as “organized or operated exclusively for religious purposes” under the IRC, or
- (d) if not in possession of such documentation, but required to file an application under the IRC to obtain tax-exempt status, have made application for recognition of such status and be moving toward compliance with the requirements for recognition of tax-exempt status. If the IRS denies a participating organization’s application for recognition of tax-exempt status, the organization must immediately notify the food bank, which will terminate the organization’s agreement and participation immediately. If documentation of IRS recognition of tax-exempt status has not been obtained and forwarded to the food bank within 180 days of the effective date of the organization’s approval for participation in TEFAP, the food bank must terminate the organization’s participation until such time as recognition of tax-exempt status is actually obtained, except that the food bank may grant a single extension not to exceed 90 days if the organization can demonstrate, to the food bank’s satisfaction, that its inability to obtain tax-exempt status within the 180 day period is due to circumstances beyond its control. It is the responsibility of the organization to document that it has complied with all IRS requirements and has provided all information requested by IRS in a timely manner.

Food banks shall periodically, but no less frequently than annually, review the IRS Automatic Revocation of Exemption List, to ensure that agencies contracted to distribute TEFAP products do not appear on the revocation listing. The listing can be found at <http://www.irs.gov/charities/article/0,,id=240099,00.html>.

C. Food Pantry Guidelines

Food pantries may receive TEFAP and other USDA-donated foods from food banks and distribute these food items to needy households in accordance with the following procedures.

1. Food pantries shall use the “Application For Receipt of TEFAP Commodities”(FD-15A), to certify eligibility and to document the receipt of USDA foods. Eligible households shall receive TEFAP products immediately after the application is approved in accordance with procedures outlined in Section II of this Manual. The food pantry shall obtain the recipient’s hand written signature and proper entries on the Application For Receipt of TEFAP Commodities (FD-15A) at each visit.

2. The rate of issue for TEFAP foods shall be based on the quantities available and the number of households projected to be served. The USDA Foods Distribution Rate Worksheet (FD-7) is an optional electronic form which can be used to indirectly arrive at an appropriate rate of distribution for each TEFAP product.
3. TEFAP and other USDA foods shall be used as a supplement to, but not as a substitute for, food normally issued. Donation of foods from other sources may not be diminished because of the receipt of federally-donated foods.
4. Food pantries are not permitted to repackage any USDA-donated foods.
5. Food pantries are encouraged to distribute non-USDA foods with TEFAP foods to the maximum extent possible.
6. In no case may the inventory level of each TEFAP product exceed a six month supply unless sufficient justification for additional inventory has been submitted to, and approved by, the food bank with State Agency concurrence.
7. TEFAP and other USDA foods shall be distributed to needy households in situations of emergency or distress at no charge to the recipient.
8. Food pantries shall not require a household to obtain a “referral” to apply for USDA donated foods.
9. Eligible households shall be allowed to receive TEFAP foods once per calendar month.

The only exception to this policy is a “burn-out”, natural disaster or similar emergency situation where food has been lost.

10. Food pantries shall implement measures and strategies to ensure (within reason) that households do not receive TEFAP products more frequently than once per month. This may include the establishment of exclusive, non-overlapping service areas, comparing lists of TEFAP participants with other food pantries in the same area, etc.
11. Food pantries shall serve only residents of the county in which the food pantry is located; unless this requirement poses an “undue hardship” upon the applicant household.
12. Food pantries must collect and maintain on record for each household receiving TEFAP foods for home consumption, the name of the household member receiving TEFAP foods, the address of the household (to the extent practicable), the number of persons in the household, and the basis for determining that the household is eligible to receive TEFAP foods for home consumption.
13. The food pantry shall adhere to all provisions of the Food Bank/Eligible Recipient Agency Agreement (FD-6) and retain a copy at the distribution site for reference and review

D. Food Pantry Facilities

1. The distribution site selected should provide protection against the elements. It should be tightly constructed and enclosed, waterproof, rodent and insect free and well ventilated. There should be sufficient floor strength to accommodate the weight of stored foods. In addition, it must be secure and prevent unnecessary sunlight.
2. In selecting the distribution site, consideration should also be given to the accessibility for unloading truck shipments of TEFAP products as well as the parking and accessibility to recipients' vehicles.
3. The "Distribution Rate Chart" (FD-19D) or a similar substitute form, showing the pantry's rates of distribution for each TEFAP food, by household size, must be prominently displayed for applicants and recipients to view.
4. Temperature requirements for most TEFAP foods can be found on the FNS Food Distribution Programs website at:
http://www.fns.usda.gov/fdd/programs/tefap/cfs_tefap.htm.

E. Food Pantry Distribution

1. Food pantries shall distribute TEFAP foods to needy households:
 - (a) on an "as needed" basis; or
 - (b) via mass distribution; as long as the following conditions are met:
 - there are sufficient quantities of each food item remaining after the mass distribution to provide for households in situations of emergency or distress until the next scheduled distribution; and
 - distributions are no less frequent than once per month; and
 - the days/hours of mass distribution are publicized.
2. Food pantries shall maintain regularly scheduled and consistent operating hours for TEFAP distribution and provide for emergency access to food.
3. Food pantries shall publicize the days and hours of operation. The posting of a sign at the physical location of the site to identify it as a food pantry is essential.
4. Recipients should be served on a first-come, first-served basis, except for elderly or disabled persons. These recipients should be issued TEFAP foods as soon as possible after arrival at the distribution site.
5. Arrangements should be made for the protection of recipients during inclement weather, while waiting to receive TEFAP foods.

6. Each recipient will be given the option of refusing to accept any amount of any of the TEFAP products offered.
7. Food pantries shall ensure that homebound and other households unable to travel have equal access to TEFAP foods via proxy or delivery.

F. First Tier Congregate Meal Organization Guidelines

Soup kitchens, homeless shelters, domestic violence shelters and Kids Cafes (along with food pantries) are the first priority for distribution of TEFAP foods. First tier congregate meal organizations may receive TEFAP products from food banks and use these foods in prepared meals in accordance with the following procedures.

Note: The term “soup kitchen” in this Section shall also refer to homeless shelters, domestic violence shelters and Kids Cafes.

1. TEFAP products shall be used as a supplement to, but not as a substitute for, food normally used. Donation of foods from other sources may not be diminished because of the receipt of federally-donated foods.
2. Soup kitchens shall serve prepared meals to homeless or other needy people in a congregate setting as an integral part of its regular services/activities.
3. Soup kitchens may not charge recipients for USDA foods used in prepared meals
4. Soup kitchens must have regularly scheduled and consistent hours for meal service.
5. Meals must be served in a clean, secure environment
6. Soup kitchens shall adhere to all provisions of the Food Bank/Eligible Recipient Agency Agreement (FD-6) and retain a copy on-site for reference and review.
7. Soup kitchens shall be responsible for documenting the number of meals served.
8. In no case may the inventory level of each TEFAP food exceed a six month supply unless sufficient justification for additional inventory has been submitted to, and approved by, the food bank with State Agency concurrence.
9. Temperature requirements for most USDA foods can be found on the FNS Food Distribution Programs website at:
http://www.fns.usda.gov/fdd/programs/tefap/cfs_tefap.htm.

G. Use of USDA foods for Demonstrations or Workshops

1. A quantity of any food donated for use in TEFAP may be made available to professionally trained home economists for demonstrations or workshops relating to the more effective utilization of USDA foods. The amount of USDA food released for this purpose will be limited to the amounts needed for “tasters”. These

may be prepared from one or more TEFAP foods and shall be served in small amounts rather than as a full meal.

2. Letter of Request: For each demonstration or workshop to be conducted, a written request shall be submitted by the food bank to the State Agency stating: (a) the purpose for which the TEFAP foods are to be used; (b) where they will be used; (c) when they will be used; (d) the approximate number of persons to be instructed; and (e) the quantities of each food product desired.
3. The State Agency will notify the food bank of approval or denial of the request, and the food bank will handle distribution arrangements.
4. For each distribution made for demonstrations or workshops, the form FD-29, "Transfer of USDA-Donated Foods" or a similar signed receipt will be obtained from the person(s) conducting the demonstration or workshop.
5. Distributions for use in demonstrations or workshops shall be reported as "Transferred Out Other - Specify" on line 5(E) of the monthly Report of Receipts and Distributions (FD-3).

H. Limitation on Activities Unrelated to TEFAP

Program regulations permit certain activities at distribution sites unrelated to TEFAP food distribution as long as the following conditions are met:

1. The person(s) conducting the activity makes clear that the activity is not part of TEFAP and is not endorsed by the U.S. Department of Agriculture.
2. The person(s) conducting the activity makes clear that participants need not cooperate (contribute money, sign a petition or converse) with the individuals involved in order to receive TEFAP foods.
3. The activity does not disrupt the TEFAP distribution.
4. Permissible activities include distributing recipes or information about TEFAP foods, dates of distributions, hours of operations, or other federal, State or local government programs or services for the needy. These activities do not require clarification that the information is not endorsed by USDA. The intent is not to infringe upon the public's right of free speech, but rather to avoid harassment of TEFAP participants and to avoid any implication that USDA endorses the information distributed.
5. Impermissible activities include information not related to TEFAP being placed in or printed on TEFAP bags or boxes. In questionable cases, contact the State Agency.

I. Prohibited Activities

1. Sale or other disposal of TEFAP products into commercial channels is strictly prohibited. The food bank and its distribution sites shall be aware that the sale, exchange, or use of TEFAP foods for personal gain or any other form of fraud or abuse is subject to federal and/or State prosecution.
2. Participants eligible to be served by TEFAP shall not be required to make payment in money, material or services as a condition of receiving TEFAP foods. Voluntary contributions may not be solicited unless the distribution site makes clear that 1) the activity is not part of TEFAP; 2) is not endorsed by USDA; 3) is not a condition for the receipt of TEFAP foods, and 4) is not conducted in a manner that disrupts the distribution of TEFAP foods.
3. Attendance or membership in any organization or if perceived as such by the client for receipt of TEFAP foods is expressly prohibited (church, political, fraternal, union, etc.).
4. Political activity in any form is prohibited during the distribution of TEFAP products. Candidates may not make political appearances at distribution sites. Campaign literature and signs may not be evident. Bags or boxes advertising candidates or political causes may not be used to carry USDA foods, and staff and volunteers may not wear buttons or politically inspired apparel.
5. Discrimination on the basis of race, color, national origin, sex, age or disability is prohibited. The “And Justice For All” poster must be displayed at eligible recipient agencies for all TEFAP applicants and recipients to view. Reports of alleged discrimination must be forwarded to the State Agency.

J. Volunteers: Food banks, food pantries, soup kitchens and emergency shelters are encouraged to use volunteer workers to the maximum extent possible.

K. Food Distribution Programs Fact Sheet: For information on other food distribution programs, refer to Exhibit A following this Section.